

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

MONTY C PEPPER prose

✓

Warden Thomas Carroll c/o

Bambi Thomas c/o James

Gardels c/o Thomas Seacord

CA no 05-084-JJF

Petition for Writ of Mandamus



I Monty Pepper prose Do here by request
The Honorable Court supply me with
a "order" To have Delaware Correctional
Center AT 1181 Paddock Rd Smyrna Del 19977
supply me with adequate Time in the
Prison law library To defend my self as
required 6th amend U.S.C.A.

Where as on July 7 2005 after
satisfying The filing prerequisites of 28
USC § 1915A; and The Court determining
That The complaint is not Frivolous, and
Where as on July 7 2005 The Pltffs
Motion To Appoint Counsel was "Denied"
with out prejudice and Whereas on Oct 4
2005 The required US Marshal 285 Forms

were sent To The US Marshal for service And on Oct 25 2005 The Deputy Attorney General Lisa Barchi Did file a Entry of Appearance on behalf of The Defendants and a Certificate of Service which I recived on Oct 26 2005

FuTher more I have filed a motion To Correct The dates within The Deputy Attorney Generals Certificate of Service

In addition To The instant Fedral Action I am AS a "prose litigant" in Superior Court of Kent County have a Petition for Return of Property which was referred To Superior Court Commissioner

Andrea M Freud for proposed findings

and recommendation pursuant To 10 Del § 512(b)
CA 05M-11-009 RBY

and Civil Rule 132. Pending The outcome

There may be need for a appeal ca 05m-11-009 RBY

Also under Rule 32 motion To withdraw

plea "Failed" Apr 15 2005. AT This point without

adequate knolage of Law and The inappropriate

actions and Lack of actions by defence counsel

and The Unconstitutional ^{6th USCA} ~~TTT~~ restrictions To

access Legal material and research Law in a

Timely manner I was ~~band~~ To appeal under Time

Limitations Rule, On 7/11/2005 as a Pro Se

Litigant I filed Motion For Reduction of Sentence

on 7/20/2005 it was "Denied" This Too was

due To inadequate access To Legal material

and inadequate assistance from D.C.C. Law

Library. This motion also became Time band

For appeal due To issues stated as well as

mental and physical duress caused by The Treatment recieved in Protective Custody in D.C.C. and The Lack of mental and physical Treatment from D.C.C. medical staff. As reflected in CA 05-841-JJF

As of sep 2005 I have been moved To compound still no Treatment for mental or physical needs and access To Law Library is restricted To 5 1/2 hours a week. "no" law books allowed out. "no" Law in books or case Law is allowed To be photo Copied, all has To be hand copied, some "state" case law not available at all Lawrence v Texas case is one example. Maryland case on Depict, and new Jersey Case on voting right of Felons, are others That can not be accessed by D.C.C. Law Library.

Further more Mr. [REDACTED] who is incharge of The law Library has stated without a

dead line or a court order you get no extra Time; however when I had a 60 day deadline I was refused.

What I get now Wendnesdays role call at ^{am} 9:45 you are allowed to get one chance to get Law books ~~no~~ no more untill after Lunch ^{am} 11:30 - 12:00 +- pm The Session ends at 2:20 pm books must be in. Friday session 8:00 am to 9:30 am request form inclosed only 2 sessions a week, my last session was NOV 25 next session Dec 13 due to move and 1 week scedual delay. There are only 2 Typewriters and 1 empty room that could be used, I filed Greavances I returned no action I not returned 10 19 2005

Mr [REDACTED] has stated I need no more Time to research, The inmate paralegals have given me inaccurate information and fear from loosing There Jobs The Following Litigation is to be filed as soon

as I can research and hand copy case law Constitutional
 Law and Civil and Criminal ~~Law~~ Court Rules
 as required To file affective Civil Action
 as well as defend my self in Criminal Court

The following are some of actions That are
 To be filed and court errors and constitutional
 questions of law and rights and prisoner rights

1 ineffective Counsel Super Court

(A) The State Failed To Keep a Commitment
 concerning sentence recommendations

(B) Pre Sentence Report was not seen by me
 There For I could not explain or denie band USCA

(C) Victim impact statements or other statement
 used at and for Sentencing were not heard by me

(D) Pre Sentence report may be incomplete
 where my son my neighbors my mom were not questioned

(E) This form shows 2-5 year presump 10 considered

This filled out in attorney's handwriting Mandatory X out

(F) Counsel failed to give mitigating facts as required

(G) counsel failed to properly investigate evidence proof

(H) Counsel failed to show porn addiction and the help I

sought for this problem no collections

(I) no fact that I was a single father for 9 years

(J) Abuse of a Search Warrant Det Wood against

my will questioned my son 9 year old sexual question got caught

by my sister, against 115 2301 104004 Family Court 5(B) This

was rummaging and Property had not been removed I was not

under arrest no adult present my son would have been my

witness a Flagrant abuse of Power Scared my son detained

(K) Prosecution Lied 3 Times in court Det Wood Lied 1

Time and purposely deceived about 1 homosexual photo only 1

(L) My Counsel Totally unprepared as paid counsel stating she

can handle it and she could not Totally incompetent affected the plea

(m) questioned me during search warrant no meranda

(n) Accuser had no lie detector if she had she would fail

(o) immunity Laws Perjury of accuser and mother of accuser and abstrution of Justice by accuser & accusers mother self incrimination Laws

(P) Constitutional Questions of Law

(1) Striped of Voting Wright 1st Amd USCA

(2) Striped of Del Driver Licence Above The Plea and

sentencing Guide lines no crime To account for Punshment

Law not rational Legitimate State intrest

(3) Classification in a Violant Feloney, Not admitted

or Found guilty is above guide lines adds punshment

after Sentencing and Prison Changes after Sentencing

and has additional Punshment after Sentencing

in The Point system as well as Time in Guidelines

Constitutional Questions of Law

- (4) Del Code 11 § 270 allows for married people to escape prosecution equal protection USCA Liberty
- (5) Del Code 13 § 123 allow one to marry without age limits
- (6) Knowing 11 § 762 defined 11 § 231 12 years and up
- (7) defence of consent victim participation 11 § 451
- (8) Construction of Provisions Delcode 11 § 308 equal Protection
- (9) Liberty USCA 14 amend under Lawrence v Texas Age
- (10) extortion force fear threats of the Plea System and the direct association with the inflated guidelines and brutal punishment non violent less punishment
- (11) Violent and non violent crime class not rational
- (12) Moral Law Lawrence v Texas International Law
- (13) Question of Mandatory Sentencing Apprehend Fairness
- (14) The Competence of sentencing Commission only defence attorney in 11 unfair

-
- (15) Depict This word is making not looking usen
- (17) international Law State law assoation To Moral
Law and The Legitimat state intrest
- (18) Looking at Photos USCA moral Law rational
- (20) Down loading knowing I dont know whats comming
- (21) Age in States and internet international age of consent
- (22) appeals court rules Law how To appeal 61 motion
- (23) Supream court rules Laws Forms appeals
- (24) Fileing constitutional sutes Supream Court Cirtilification
- (25) damage done To familys verses moral Law and
accomplice in crime willing partisipant or accomplice
- (26) Judges record of accepting pleas on criten crimes
prejudice in Type of crime and accoation To plea
acceptance for sex crimes Superor Court
-

In my Federal Court Case 05-84-JJF

- ① denial of access To The Courts, 6 amendment
- ② denial of religious services, ③ privileges, ④ Law Library,
- ⑤ Greivance system with no remedy, ⑥ Medical request unheard no remedy, ⑦ no Mental health help
- ⑧ Retalation For filing greivances
- ⑨ Tampering with food, ⑩ impeding legal action,
- ⑪ Retalation To stop legal action. ⑫ Constitutional rights of prisoners, ⑬ Wistel Blower Status for officer witness
- ⑭ Supena's For Witnesses, ⑮ Court Appointed Master, ⑯ Medical records Greivance records
- ⑰ Court Rules For District Court and ⑱ Court of appeals
- ⑲ Supream Court ect none of This Law Do I know or can fully under stand with out "Research" This is some aspects There are more as The Court is aware

without adequate Time To research The intricacy of Court Rules Law case Law and Constitutional Law and precedence of Law, it will be impossible To defend my Superior Court Case or my US District Court Case and would prejudice my actions and impede The Constitutional rights That I still retain as a citizen of The United States .

I request That The Honorable Court supply me in The interest of Justice a "order" To have additional sessions in DCC Law Library up To 20 hours a week so I can defend my self as The Constitution demands **USCA 6th Amend**

Dec 3 2005



Monty Pepper

Furthermore as a Pro Se litigant and
In The interest of Justice I would request
The honorable Court To request a inspection
To affirm The restrictions described in The
Delaware Correction Center Smyrna by one of
The Following agency's or a court appointed
Master. The United States Attorney General's
office or The United States Commission on Civil
Rights (Washington DC) or The United States Department
of Justice Civil Division

This again To affirm statements put forth
in this request To uphold The right of
The Sixth Amendment of The Constitution That
prisoners of The State still possess
That right To meaningful adequate access
To The Law

I here by certify That on Dec 13 2005

I mailed a copy of Correction of Motion

and Petition for Writ of Mandamus To The

■ Lisa Barchi Deputy Attorney General AT

Lisa Barchi

Deputy Attorney General

Department of Justice

820 N French Street 6th Floor

Wilmington De 19801



Monty C Pepper

D.C.C.

1181 Paddock RD

Smyrna De

19977

I/M Monty Pepper
SBI# 156920 UNIT D
DELAWARE CORRECTIONAL CENTRE
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

Office of The Clerk
UNITED STATES District Court
844 N King Street Lockbox 18
Wilmington Del
19801-3570

U.S. MAR. 1951